

ILLINOIS POLLUTION CONTROL BOARD
July 10, 2014

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 12-52
) (Enforcement - Land)
RELIABLE MATERIALS LYONS, LLC, an)
Illinois limited liability company, GSG)
CONSULTANTS, INC., an Illinois)
corporation, O.C.A. CONSTRUCTION, INC.,)
an Illinois corporation, SPEEDY GONZALEZ)
LANDSCAPING, INC., an Illinois)
corporation, PUBLIC BUILDING)
COMMISSION OF CHICAGO, an Illinois)
municipal corporation, BOARD OF)
EDUCATION OF THE CITY OF CHICAGO,)
a body politic and corporate,)
)
Respondents.)

ORDER OF THE BOARD (by C.K. Zalewski):

On September 26, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Reliable Materials Lyons, LLC (Reliable), GSG Consultants, Inc. (GSG), O.C.A. Construction, Inc. (OCA), Speedy Gonzalez Landscaping, Inc. (SGL), Public Building Commission of Chicago, (PBC), and the Board of Education of the City of Chicago (CPS), (collectively respondents)¹. The complaint concerns the site of the Westinghouse Vocational High School, a 7.5 acre parcel of land located at 401 North Sawyer Avenue, Chicago, Cook County.

On June 17, 2014, the Board received a stipulation and proposal for settlement as to respondent Reliable only, along with a request for relief from the hearing requirement. The People and Reliable seek to settle without a hearing. For the reasons stated below, the Board directs the Clerk to provide notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

¹ On December 2, 2011, the Board accepted stipulations and settlements from PBC and CPS, as well as SGL. *See People v. Reliable Materials Lyons, LLC et. al*, PCB 12-52 (Dec. 2, 2011). On July 12, 2012, the Board accepted a stipulation and settlement from GSG. *See People v. Reliable Materials Lyons, LLC et. al*, PCB 12-52 (July 12, 2012). On August 9, 2012, the Board accepted a stipulation and settlement from OCA. *See People v. Reliable Materials Lyons, LLC et. al*, PCB 12-52 (Aug. 9, 2012).

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2012); 35 Ill. Adm. Code 103. In this case, the People allege that Reliable violated Section 21(a) of the Act (415 ILCS 5/21(a) (2012)) by open dumping (Count I). The People also allege that Reliable violated Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2012)) by conducting a waste disposal operation without a permit (Count III). Lastly, the People allege that Reliable violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2012)) and Section 809.302(a) of the Board Waste Disposal Regulations (35 Ill. Adm. Code 809.302(a)) by accepting special waste from haulers without manifests (Count IV).²

On June 17, 2014, the People and Reliable filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2012)). Under the proposed stipulation, Reliable does not admit the alleged violations and agrees to pay a civil penalty of \$39,300. In addition, Reliable agrees to perform groundwater monitoring as specified in the stipulation. Finally, Reliable agrees to undertake a supplemental environmental project (SEP) pursuant to Section 42(h)(7) of the Act (415 ILCS 5/42(h)(7) (2012)) consisting of the payment by Reliable of \$55,000 to the Illinois Wildlife Preservation Fund. The entire \$55,000 shall be used exclusively for the restoration of the Bluff Spring Fen Nature Preserve.

These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Unless the Board determines that hearings are needed, the Board must cause notice of the stipulation, proposed settlement, and any request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2012); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Member Burke Abstained.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 10, 2012 by a vote of 3 to 0.



John T. Therriault, Clerk
Illinois Pollution Control Board

² Count II of the People's four-count complaint was alleged against respondents SGL and CPS only. Therefore, the stipulation and proposal for settlement is intended to close the case with regard to Reliable.